

Pro Se 14 (Rev. 12/16) Complaint for Violation of Civil Rights (Prisoner)

UNITED STATES DISTRICT COURT

9<sup>th</sup> for the montana  
montana District of 9<sup>th</sup>  
missoula Division

APR 10 2023

Clerk, U.S. Courts  
District of Montana  
Missoula Division

Case No.

CV 23-02-M-DLC

(to be filled in by the Clerk's Office)

Joseph Todd Morgan

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

mineral County -v-  
mineral County administrators  
wayne cashman  
Mike Toth

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

Duane Simons  
Dawn terril  
Debra Jackson

AMENDED COMPLAINT FOR VIOLATION OF  
CIVIL RIGHTS (Prisoner Complaint)

NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

**I. The Parties to This Complaint****A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name

Joseph Todd Morgan

All other names by which  
you have been known:

Morgan

ID Number

Current Institution

START.

Address

801 MT. 48, Anaconda, MT. 59711

Anaconda

MT.

59711

City

State

Zip Code

**B. The Defendant(s)**

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. Make sure that the defendant(s) listed below are identical to those contained in the above caption. For an individual defendant, include the person's job or title (*if known*) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name

Job or Title (*if known*)

Shield Number

Employer

Address

City

State

Zip Code

☐

Individual capacity

☐

Official capacity

Defendant No. 2

Name

Job or Title (*if known*)

Shield Number

Employer

Address

City

State

Zip Code

☐

Individual capacity

☐

Official capacity



## Defendant No. 3

Name \_\_\_\_\_

Job or Title (if known) \_\_\_\_\_

Shield Number \_\_\_\_\_

Employer \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_

State \_\_\_\_\_

Zip Code \_\_\_\_\_

☐ Individual capacity☐ Official capacity

## Defendant No. 4

Name \_\_\_\_\_

Job or Title (if known) \_\_\_\_\_

Shield Number \_\_\_\_\_

Employer \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_

State \_\_\_\_\_

Zip Code \_\_\_\_\_

☐ Individual capacity☐ Official capacity

## II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (check all that apply):

☐ Federal officials (a *Bivens* claim)

☒ State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

while I was on pre-trial waiting to be sentenced in the mineral County Jail I was treated so horribly, the people the staff in the building were evil, debra Jackson, lied, fabricated charges against me, and was unfair and corrupt wide scale corruption in court. So entire County in evil, entire County as In State/local officials...

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

The state officials, kept me in that jail with no AC all summer, we had the heat temp checked by C.O. Ratliff Co. May, temps were around 100 degrees for over a month in C block while in mineral County, it was unbearable, hard to breath, we as inmates had to band together to fight against the staff they had no care for our wellbeing or safety...



the medical was almost non-existent, there was no medical staff in the building at all, Co. Scott or C.O. Rafferty, or Co. May handed meds out, and were answering all my medical kits, sometimes very unprofessional, day to day was a constant fight and a constant struggle. C.O. Scott was the worst to deal with we documented everything and sent all evidence to Timothy Bechtold. [Tim@bechtoldlaw.net](mailto:Tim@bechtoldlaw.net)

- D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

the officers mainly Scott and Rizzi both C.O.'s at Mineral County made up the rules as they went completely violating our legal rights, civil rights I want Justice they locked us in our cells over 100° all summer Rizzi assaulted me on day and local cops declined to press charges she slammed me in a door, slamming the heavy door into my body and feet, while in the Mineral County Jail, these C.O.'s are State employees, County employees. I sent all evidence time stamped and dated to Timothy Bechtold

### III. Prisoner Status

Indicate whether you are a prisoner or other confined person as follows (check all that apply):

- ☐ Pretrial detainee
- ☒ Civilly committed detainee
- ☐ Immigration detainee
- ☐ Convicted and sentenced state prisoner
- ☐ Convicted and sentenced federal prisoner
- ☒ Other (explain)

I was a pretrial detainee at Mineral County Jail, now I am in the Start program, a community program

### IV. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. If the events giving rise to your claim arose outside an institution, describe where and when they arose.

1. C.O. Rizzi assaulted me in the 9 months I was in the County Jail
2. C.O. Rizzi put me in administrative segregation, or "the hole" with no write ups and no due process in any way shape or form. and wouldn't shut my cell door while in D unit, so I had to use the bathroom in plain view of the dispatch workers and people come and going from court, viewing me naked

- B. If the events giving rise to your claim arose in an institution, describe where and when they arose.

3. they arose in block C, and block D, in the Mineral County Jail over the 9 months I was there C.O. Rizzi was in charge. they charged us for toilet paper and would take money off our inmate accounts

4. we as inmates tried and tried to get religious services, and never once did they have anything for us. they C.O. Rizzi had us sign up for religious services once but failed to ever have any service and wouldn't let us meet in rec room to hold our own services.

5. mental health was poor there was major mental anguish while being there.



C. What date and approximate time did the events giving rise to your claim(s) occur?

From ~~February 2022 to October 2022~~

Feb. 2022 to Oct. 2022 in Mineral County. I was also in Mineral County May of 2021 on these charges.

D. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)

The Jail staff, who were employed by Wayne Cashman, and Mike Tott violated our rights daily and made our lives hell so Rizzi and C.O. Scott. Taunted us, put me in the hole without right ups assaulted me was C.O. Rizzi C.O. Rattiff witnessed it. There was no mental health at all in the building Duane Simons, and Dawn Terril had to have know this fact... week after week my mental health declined with no end in site, I feel permanent damages, permanent mental damage that can't be undone dealing with there plotting and screaming against me while being kept there

V. Injuries C.O. Rattiff even went to the undersheriff Cashman about how bad they were being to me and others it was torcher.

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

my body and chest was smashed in between the heavy steel doors, and pressed so hard I couldn't breathe and the door was shut over my feet which ripped skin and there was blood, C.O. Rattiff brought me anti bacterial spray and sprayed it on my feet, I tried to press charges, the officers declined to press charges. I went threw mental pain and anguish, being forced to use the bathroom in front of civilians, civilians who were dispatch women and men so Rizzi refused to close my door and played games about it.

VI. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

1. I am suing for mental pain and anguish, defamation of character, mental deterioration, I want 1.5 million, 2. I want \$1,500 a day for wrongful incarceration

- I went threw more pain and mental brake down in my life in Mineral County Jail then ever in my life, delt with more corruption then I have ever seen in any legal system, The damage they cased inside of me makes me want to lash out and I can't trust anyone anymore I feel everyone is out to get me and I feel an emotional separation from my soul, mind and body. 9 months of hell, 9 months I can never get back, all this time is gone how can a person put a price on that much time, verbal and mental assaults, I don't even know if I will be able to function normal in society ever again.



**VII. Exhaustion of Administrative Remedies Administrative Procedures**

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted."

Administrative remedies are also known as grievance procedures. Your case may be dismissed if you have not exhausted your administrative remedies.

- A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility? *we exhausted our grievance and kite process over and over to no end, the cos didn't do anything right at all completely undermined the law and codes*
- ☒ Yes
- ☐ No

If yes, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

*mineral County Jail, Montana*

- B. Does the jail, prison, or other correctional facility where your claim(s) arose have a grievance procedure?

☐ Yes

☒ No

☐ Do not know

*There was no one for the grievances to go to, there was no tier system, no structure. All the grievances stopped at C.O. Rizzi. She didn't answer them, or throw them away. There wasn't even a DHO.. undersheriff Cashman even ignored everything over and over and over..*

- C. Does the grievance procedure at the jail, prison, or other correctional facility where your claim(s) arose cover some or all of your claims?

☒ Yes

☐ No

☐ Do not know

If yes, which claim(s)?

*every claim I sent out to Timothy Bechtold, a civil rights attorney. C.O. Crumwries printed off for me and C.O. Ratliff printed off for me. C.O. Scott and C.O. Rizzi told both those staff they would be fired if they continued to help us. or continued to print off our grievances off these kiosk system.*

- D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose concerning the facts relating to this complaint?

☒ Yes

☐ No

If no, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

☐ Yes

☐ No

- E. If you did file a grievance:

1. Where did you file the grievance?

I filed the grievances on the mineral County Jail kiosks and paper forms in the jail also. Turnkey in the kiosk system provided for us in that jail at the time I was there.

2. What did you claim in your grievance?

Prea, violations, food diet, medical, I reported the assault while being slammed in the door over and over. everything I kited about hippa law violations staff was illegally gaining info on me and using it against me.

3. What was the result, if any?

they did absolutely nothing and I wasn't able to talk to anyone except the staff who continued to do wrong to me.

4. What steps, if any, did you take to appeal that decision? Is the grievance process completed? If not, explain why not. (Describe all efforts to appeal to the highest level of the grievance process.)

I tried to talk to the sheriff department, the sheriff took nothing ever occurred ever everything was always covered up by rizzi and cashman, week after week month after month trying to cover up and hide everything...



F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here:

2. If you did not file a grievance but you did inform officials of your claim, state who you informed, when and how, and their response, if any:

I filed grievances, and told staff constantly

G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies.

Timothy Bechtold, civil rights attorney from  
Missoula  
Tim@bechtoldlaw.net

(Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.)

### VIII. Previous Lawsuits

The "three strikes rule" bars a prisoner from bringing a civil action or an appeal in federal court without paying the filing fee if that prisoner has "on three or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury." 28 U.S.C. § 1915(g).

To the best of your knowledge, have you had a case dismissed based on this "three strikes rule"?

☐ Yes

☒ No

If yes, state which court dismissed your case, when this occurred, and attach a copy of the order if possible.



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- A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

☐ Yes

☒ No

- B. If your answer to A is yes, describe each lawsuit by answering questions 1 through 7 below. *(If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)*

1. Parties to the previous lawsuit

Plaintiff(s) \_\_\_\_\_

Defendant(s) \_\_\_\_\_

2. Court *(if federal court, name the district; if state court, name the county and State)*

3. Docket or index number

4. Name of Judge assigned to your case

5. Approximate date of filing lawsuit

6. Is the case still pending?

☐ Yes

☐ No

If no, give the approximate date of disposition. \_\_\_\_\_

7. What was the result of the case? *(For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)*

- C. Have you filed other lawsuits in state or federal court otherwise relating to the conditions of your imprisonment?

no, none

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☐ Yes

☒ No

D. If your answer to C is yes, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)

1. Parties to the previous lawsuit

Plaintiff(s) \_\_\_\_\_

Defendant(s) \_\_\_\_\_

2. Court (if federal court, name the district; if state court, name the county and State)

\_\_\_\_\_

3. Docket or index number

\_\_\_\_\_

4. Name of Judge assigned to your case

\_\_\_\_\_

5. Approximate date of filing lawsuit

\_\_\_\_\_

6. Is the case still pending?

☐ Yes

☐ No

If no, give the approximate date of disposition \_\_\_\_\_

7. What was the result of the case? (For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)

\_\_\_\_\_



**IX. Certification and Closing**

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

**A. For Parties Without an Attorney**

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing:

4-11-23

Signature of Plaintiff

Printed Name of Plaintiff

Prison Identification #

Prison Address

Joseph Morgan  
 Joseph Todd Morgan  
 A.O.#3008479  
 801 Hwy 48  
 Anaconda MT 59711  
 City State Zip Code

**B. For Attorneys**

Date of signing:

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Address

City

State

Zip Code

Telephone Number

E-mail Address

- I received this order 4-3-23

Joseph Morgan

- sent out 4-4-23